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HP Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JUSTIN DAVIS and GARY DAVIS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

V.

Defendant.

Case No. 4:23-cv-02114-YGR

**STIPULATION RE: FIRST AMENDED
COMPLAINT AND BRIEFING SCHEDULE;
AND [PROPOSED] ORDER**

Hon. Yvonne Gonzalez Rogers

1 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiffs Justin Davis and
2 Gary Davis (“Plaintiffs”) and Defendant HP Inc. (“HP”) (collectively, the “Parties”), by and through
3 their respective counsel, as follows:

4 WHEREAS, on May 1, 2023, Plaintiffs filed their Complaint in this action (Dkt. No. 1);

5 WHEREAS, HP anticipates moving to dismiss the Complaint pursuant to Federal Rule of
6 Civil Procedure 12;

7 WHEREAS, consistent with the guidance provided in the Court’s Scheduling Notes that
8 parties should attempt to resolve issues without formal motion practice, counsel for the Parties herein
9 have met and conferred regarding HP’s anticipated motion to dismiss the Complaint, in an effort to
10 narrow the issues presented by the motion;

11 WHEREAS, following such meet and confer, Plaintiffs have agreed to amend their
12 Complaint;

13 WHEREAS, HP anticipates that it will move to dismiss Plaintiff’s Amended Complaint;

14 WHEREAS, the Parties have further met and conferred regarding a schedule for filing of the
15 Amended Complaint and briefing and hearing of HP’s motion to dismiss that would accommodate
16 counsels’ schedules without altering the late August¹ date for the initial Case Management
17 Conference in this action;

18 WHEREAS, the Parties have agreed upon the below schedule for Plaintiffs’ filing of the
19 Amended Complaint and for briefing and hearing of HP’s motion to dismiss, which schedule does
20 not alter the briefing schedule that would otherwise apply under Civil Local Rule 7-3, but does not
21 otherwise impact the setting of the initial Case Management Conference in late August 2023;

22 WHEREAS, the Parties have not sought any previous extensions with respect to these
23 pleading and briefing deadlines;

24 NOW, THEREFORE, the Parties hereby stipulate, and respectfully request that the Court
25 enter an order regarding the scheduling for filing and responding to an amended complaint as
26 follows:

27

28 ¹ Currently pending before this Court is the Parties’ stipulation to extend the initial Case Management Conference from August 21, 2023 to August 28, 2023 (Dkt. No. 17).

- 1 • The deadline for Plaintiffs to file an amended complaint shall be **June 9, 2023**;
- 2 • The deadline for HP to move to dismiss or otherwise respond to Plaintiffs' amended
3 complaint shall be **June 30, 2023**;
- 4 • The deadline for Plaintiffs to file an Opposition to the motion to dismiss shall be **July 18,**
5 **2023**; and
- 6 • The deadline for HP to file its Reply in support of the motion to dismiss shall be **August**
7 **1, 2023**.
- 8 • HP's motion to dismiss shall be set for hearing on **August 15, 2023**.

9 **IT IS SO STIPULATED.**

10

11 Dated: June 6, 2023

K&L GATES LLP

12

13 By: /s/ Michael J. Stortz
14 Michael J. Stortz
15 Andrew J. Wu
16 *Attorneys for Defendant*
17 *HP Inc.*

18

19 Dated: June 6, 2023

MILBERG COLEMAN BRYSON PHILLIPS
20 GROSSMAN PLLC

21

22 By: /s/ Trenton R. Kashima
23 Trenton R. Kashima
24 *Attorneys for Plaintiffs*
25 *Justin Davis and Gary Davis*

26

27 SIGNATURE ATTESTATION

28

Pursuant to Civil Local Rule 5-1(h)(3), the undersigned hereby attests that all signatories on
whose behalf this filing is submitted concur in the filing of this document.

Dated: June 6, 2023

By: /s/ Michael J. Stortz
Michael J. Stortz

[PROPOSED] ORDER

Having reviewed the Parties' Stipulation Re: First Amended Complaint and Briefing Schedule, and for good cause shown, the Court hereby orders as follows:

- The deadline for Plaintiffs to file an amended complaint shall be **June 9, 2023**;
- The deadline for HP to move to dismiss or otherwise respond to Plaintiffs' amended complaint shall be **June 30, 2023**;
- The deadline for Plaintiffs to file an Opposition to the motion to dismiss shall be **July 18, 2023**; and
- The deadline for HP to file its Reply in support of the motion to dismiss shall be **August 1, 2023**.
- HP's motion to dismiss shall be set for hearing on **August 15, 2023**.

IT IS SO ORDERED.

DATED:

Hon. Yvonne Gonzalez Rogers
UNITED STATES DISTRICT JUDGE